

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

HON. **William E. Duffin**, presiding

Deputy Clerk: Linda M. Zik

DATE: **January 21, 2021 at 3:30 p.m.**

Audio: ATT Conference Line

CASE NO. **18-Cr-154**

Time Called: 3:30 p.m.

UNITED STATES V. **Van L. Mayes**

Time Concluded: 3:59 p.m.

PROCEEDING: **Counsel-Only Telephonic Scheduling Conference**

UNITED STATES BY: Christopher Ladwig

DEFENDANT BY: Robert G. LeBell

COURT

- Judge Pepper resolved the defendant's objection to a prior order of this court
- This matter is now before this court for a pretrial motions schedule

LEBELL

- Anticipates filing pretrial motions
- Unredacted version of discovery to be provided by government to him
 - o Government is waiting for him to provide information about what he needs
- Needs another month to go through the discovery before setting a motions schedule
- Anticipates filing a motion re arrest/non-arrest of defendant; defendant's phones were seized (without probable cause); he needs to know if government will use the contents in its prosecution
- As to potential pretrial motions
 - o Need to determine whether certain information was utilized illegally to obtain the Superseding Indictment
 - o The motions rely upon the unredacted version of discovery to be provided by the government to him

LADWIG

- Should have new redacted discovery to LEBELL next week with only names of witnesses redacted
- Set a deadline in Mid-February for filing motions by defense and two-weeks later for response from government
- He was not involved in the phone seizure by the State and that criminal prosecution; it is a State search warrant
 - o He will do some research to determine if he will use any information from them; he will then inform attorney LEBELL and the Court
 - o Will have an answer by tomorrow if he will use contents or not

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- Will give LEBELL another month to review discovery
- Next call to discuss:
 - o Whether government will use the phone dump information (*subsequent to this call the government filed a Notice that it would not use evidence derived from the defendant's cellphones, which were seized in summer 2020 by the Milwaukee Police Department, in this prosecution. See ECF No 105*)
 - o Need for filing of pretrial motions

Counsel-Only Conference Call continued to February 23, 2021 at 1:30 p.m.

Participants shall call the court's conference line at 888-278-0296 and use access code 8322317# to join the call.

The court finds under 18 USC § 3161(h)(7)(A) and (B)(ii) that a continuance of the Speedy Trial Act deadline is appropriate because the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. The court makes this finding given the complexity of this case, the nature of the prosecution, the volume of discovery, and the case taken as a whole, that a failure to grant a continuance would unreasonably deny the defendant reasonable time necessary for effective preparation. The period from January 21, 2021 until February 23, 2021 is excluded under the Speedy Trial Act.